



John T. Auburger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MARCH 16, 2010

General Information:

Work Session: 6:30 p.m.

Meeting: 7:00 p.m.

Roll Call:

Albert F. Meilutis, Chairman

Diana Christodaro

Randy T. Jensen

William F. Murphy

Christopher A. Schiano, Deputy Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Secretary to the Zoning Board

Absent:

John J. Riley

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

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OLD BUSINESS

- 1. Applicant:** Simonetti Property Management, LLC
Location: 2037, 2047 & 2081 West Ridge Road
Mon. Co. Tax No.: 074.19-5-6.11, 074.19-5-5.1 & 074.19-5-2.111
Zoning District: BP-2 (Professional Office) & BR (Restricted Business)
Request: a) An area variance for a business center to have a second freestanding sign of 68.8 sq. ft., instead of the one 80.0 sq. ft. maximum permitted. Sec. 211-52 B (1)(a)[2] & Sec. 211-52 B (1)(d), Table VI
b) An area variance for a business center to have a third freestanding sign of 49.6 sq. ft., instead of the one 80.0 sq. ft. maximum permitted. Sec. 211-52 B (1)(a)[2] & Sec. 211-52 B (1)(d), Table VI

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2037, 2047 & 2081 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

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7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Simonetti Property Management, LLC, 2037, 2047 and 2081 West Ridge Road, David Simonetti, appeared before the Board at two of our meetings, including the one this evening, requesting initially three signs – three monument signs – along West Ridge Road on the properties named in the application. After discussion at our first meeting, the applicant decided to re-review his request on the

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application and came back to us tonight essentially asking for just one variance and the one variance is variance "A" on the agenda this evening, which is for a business center to have a second freestanding sign of 68.8 sq. ft., instead of the one 80.0 sq. ft. maximum permitted.

WHEREAS, the item "B" on this evening's agenda has been withdrawn from the application because under the zoning for this particular site, he is already entitled to one and that first sign meets the requirement of the one he is permitted, so the Board has been asked to look at this one item "A" for this evening.

WHEREAS, the applicant indicated that he needs additional signage on the site to draw people's attention to the tenants that are in the properties and in the buildings and certainly make it clear of the addresses that the properties represent. In this particular case there is one site that is on the Ridge that has not yet been developed; it will be at some time. On this application of item "A," he has indicated that he has provided a sign panel for three tenants: "Tenant 1"; "Tenant 2"; and Tim Horton's as a third tenant, along with a fourth panel, which indicates the address. This will help him to market the properties more effectively and give good direction to the motoring public who is going east or west along Ridge Road to see what the addresses are and what the facilities are at that location.

WHEREAS, on the main motion, the applicant did come before the Board as previously mentioned and in the findings of fact and has made a compelling story as to why we need this additional signage along the road front, and the applicant further was agreeable to work with the Town and recognize the value to both the applicant and to the Town by reducing the amount of signage that he originally applied for.

WHEREAS, having recognized that it is in fact a benefit to the applicant and certainly it will be an asset to the Town, I am going to move for the approval of item "A" on the agenda here, which is an area variance for a business center to have a second freestanding sign of 68.8 sq. ft., instead of the one 80.0 sq. ft., and the only condition on it is that the sign is as presented tonight in the documentation – size and design and everything else. Item "B" has been withdrawn.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Item A-Approved With Condition
Item B-Withdrawn

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NEW BUSINESS:

- 1. Applicant:** Robert T. & Judith W. Rushforth
Location: 390 Red Apple Lane
Mon. Co. Tax No.: 059.08-1-60
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing enclosed porch located approximately 5.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 390 Red Apple Lane, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Robert & Judith Rushforth, 390 Red Apple Lane, Mr. Rushforth, who was the previous owner of 390 Red Apple Lane and who currently lives at 67 Flower Dale Drive, appeared before the Board this evening requesting an area variance for an existing enclosed porch located approximately 5.0 ft. from an existing in-ground pool, instead of the 10.0 ft. minimum required.

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WHEREAS, Mr. Rushforth sold the home to a David Fetzner. Mr. Fetzner was not in attendance at the meeting, and Mr. Rushforth represented them this evening. There is a letter on file with the Town stating that. Mr. Rushforth had lived at the location on Red Apple Lane for approximately 20 years and approximately eight years ago they installed an in-ground kidney-shaped pool. After the pool was put in they put a three-season porch/ three season room on the rear of the house, which made it approximately 5 ft. from the corner of the porch to where the pool is. Around the porch area are steps, along with concrete, and the area around the residence at 390 Red Apple Lane is forever wild. It is on a cul-de-sac street and Mr. Rushforth did state that if it was going to be removed it would definitely be a financial hardship to himself and the Fetzners.

WHEREAS, Mr. Rushforth also was asked if he or the new owners would sign a Hold Harmless clause with the Town and they agreed to that, and he was given the information. With that Mr. Chairman, the Board of Zoning Appeals shall consider the benefit to the applicant weighed against the detriment to the health, safety and welfare of the neighborhood or community using the following criteria:

1. An undesirable change will not be produced in the character of the neighborhood nor will it be a detriment to nearby properties should this variance be granted.
2. The benefit sought by the applicant can not be achieved by some other method feasible for the applicant to pursue.
3. The requested area variance is not substantial.
4. The proposed variance will not have an adverse effect, impact or physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve the application with the following conditions:

1. That the applicant signs a Hold Harmless agreement with the Town.
2. And that any outstanding permits need to be filed with the Town.

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Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Conditions

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- 2. Applicant:** Michael J. Favata
Location: 750 Guinevere Drive
Mon. Co. Tax No.: 073.02-8-1
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing deck (10.0 ft. x 26.0 ft.; 260.0 sq. ft.), located in a side yard, where accessory structures, including decks, are permitted in rear yards only. Sec. 211-11 E (3)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 750 Guinevere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Michael J. Favata, 750 Guinevere Drive, Mr. Favata, who purchased 75 Radford Way and is in the process of selling 750 Guinevere Drive, appeared before the Board this evening requesting an area variance for an existing deck (10.0 ft. x 26.0 ft.; 260.0 sq. ft.), located in a side yard, where accessory structures, including decks, are permitted in rear yards only.

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WHEREAS, the applicant stated that he had lived at the 750 Guinevere Drive address for five years and when he purchased the home five years ago the deck was already in place; the old owner had put the deck up some time ago when the house was built. The reason he is coming before the Board this evening is because he is in the process of selling. The deck is constructed of wood and there are no enclosures except the railing and the stairs. There is no electric and he did state that it would be a financial hardship to move or tear down the deck.

WHEREAS, it is my opinion that granting the above-mentioned variance will not produce an undesirable change in the character of the neighborhood nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial and the proposed variance will not and has not had an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Although the alleged difficulty was self-created, but not through this applicant's means because of the failure to obtain a permit, that shall not preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve the application with the following conditions:

1. That all pertinent permits be taken care of through the Town.
2. And that the variance is for the life of the current deck.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Conditions

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- 3. Applicant:** Elizabeth A. Kreason
Location: 349 Windsor Road
Mon. Co. Tax No.: 046.20-8-41
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for an existing deck (approximately 139.5 sq. ft.), located in a front yard, where accessory structures are permitted in rear yards only; and for said deck to have a front setback of 33.1 ft. (measured from the east right-of-way line of Windsor Road), instead of the 35.4 ft. minimum established by the neighborhood average. Sec. 211-11 D (2), Table I, Sec. 211-11 E (1); Sec. 211-11 E (3)

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 349 Windsor Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

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Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Elizabeth Kreason, 349 Windsor Road, Ms. Kreason appeared before the Board this evening requesting an area variance for an existing deck (approximately 139.5 sq. ft.), located in a front yard, where accessory structures are permitted in rear yards only; and for said deck to have a front setback of 33.1 ft. (measured from the east right-of-way line of Windsor Road), instead of the 35.4 ft. minimum established by the neighborhood average.

WHEREAS, the applicant has lived at that location, 349 Windsor Road, since 1994 and the reason for the deck was to replace a concrete patio that was in disrepair. Bernard Barrow, who also lives at 349 Windsor Road, is doing all the work on the project. The deck is made out of wood deck material and it is also covering the existing concrete patio that was in disrepair. The applicants stated that they will have a railing around the deck and it also has three steps with it; they will also have railings. They also stated that there will be no cover to the existing deck, and there will be no electric. Along the deck area there is a wooden-type bench for people to sit and gather and along with that, looking at the neighborhood up on Windsor, Belmont, Hampton area, there are several other homes that have front decks similar to what the applicant is putting on their home. I would like to add that we did get one letter from a resident at 338 Hampton Boulevard who stated that they had no objection to this project.

WHEREAS, Mr. Chairman, an undesirable change will not be produced in the character of the neighborhood, nor will it be detrimental to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance is not substantial and the proposed variance will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board, I move to approve the application with the following conditions:

1. That all permits be filed with the Town.
2. And that the variance is for the life of the deck.

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Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Conditions

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4. **Applicant:** Gerard Welch
 Location: 24 Hiett Road
 Mon. Co. Tax No.: 074.16-1-12
 Zoning District: R1-E (Single-Family Residential)
 Request: a) An area variance for a proposed detached garage addition (approximately 488 sq. ft.) to have an (east) side setback of 5.3 ft., instead of the 6.0 ft. minimum required. Sec. 211-11 E (1), Table I
 b) An area variance for a proposed detached garage addition (approximately 488 sq. ft.), totaling approximately 937 sq. ft. in all accessory structures, where 800 sq. ft. is the maximum gross floor area permitted for lots under 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I

The applicant has withdrawn this application.

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- 5. Applicant:** Suzanne Cassata, DDS
Location: 3208 Latta Road
Mon. Co. Tax No.: 045.03-1-11
Zoning District: BR (Restricted Business)
Request:
- a) An area variance for a proposed second (south side) building-mounted sign, with a sign area of 60.5 sq. ft, instead of the one 28.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII
 - b) An area variance for a proposed third (southwest side) building-mounted sign, with a sign area of 17.7 sq. ft., instead of the one 28.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII
 - c) An area variance for a proposed fourth (west side) building-mounted sign, with a sign area of 17.8 sq. ft., instead of the one 28.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals(the "Board of Zoning Appeals") relative to the property at 3208 Latta Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested

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agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

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Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Suzanne Cassata, DDS, 3208 Latta Road, Dr. Cassata appeared before the Board this evening requesting an area variance for a proposed second (south side) building-mounted sign, with a sign area of 60.5 sq. ft, instead of the one 28.0 sq. ft. building-mounted sign permitted; an area variance for a proposed third (southwest side) building-mounted sign, with a sign area of 17.7 sq. ft., instead of the one 28.0 sq. ft. building-mounted sign permitted; and an area variance for a proposed fourth (west side) building-mounted sign, with a sign area of 17.8 sq. ft., instead of the one 28.0 sq. ft. building-mounted sign permitted.

WHEREAS, on the main motion, the applicant testified that her business has moved into this building approximately two weeks ago and they are reviewing their sign options for this building. The applicant also presented to us this evening three scenarios with signs based on her dream vision of what she would like, down to what she would be able to get by with in her opinion.

WHEREAS, through the testimony, the applicant in essence has withdrawn, would be considered to be withdrawing items "B" and "C" if we were to allow her item "A," which is the second building-mounted sign at 60.5 sq. ft.; that is what I would like to approve this evening, just item "A." The applicant also testified regarding the window signs that are in the building and said that she would relinquish the front window graphics – that is, the "Get it Straight" logo – if the Board would allow her item "A," the second building-mounted sign at 60.5 square feet. As a clarification of the findings of fact, the applicant has offered and the Board is willing to agree to giving the applicant the additional signage on the south side elevation in exchange for her not putting the graphics in the window on the south side of the elevation; however, the Board is not restricting graphics in the windows on the west elevation. The applicant still is permitted that, pursuant to the zoning ordinance; it is just the south elevation, which could really be viewed from Latta Road.

THEREFORE, I move to approve item "A" of this application with the modification that the applicant not put any graphics in the windows on the south side of the building.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		
			Motion Carried	
			Item A Approved	
			With Modification	
			Items B and C Withdrawn	

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- 6. Applicant:** Rochester Immediate Medical Care PLLC
Location: 2745 West Ridge Road
Mon. Co. Tax No.: 074.13-3-45
Zoning District: BP-2 (Professional Office)
Request: a) An area variance for a proposed second (east side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII
b) An area variance for a proposed third (west side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & Sec. 211-52 B (2)(c)[1], Table VII

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals(the "Board of Zoning Appeals") relative to the property at 2745 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations,

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meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Rochester Immediate Medical Care PLLC, 2745 West Ridge Road, Mr. Chris McCaffrey from Ulrich Sign Company appeared before the Board this evening requesting an area variance for a proposed second (east side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted; and an area variance for a proposed third (west side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted.

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WHEREAS, with regard to the main motion, the applicant did appear before us this evening indicating that a new business is coming into this particular address at 2745 West Ridge Road. It will be an immediate care facility offering immediate medical attention to injured persons. The applicant ultimately will be occupying the complete building, although another tenant is in there for the duration of an existing lease that will not be renewed at the time of lease expiration. The applicant indicated that it is important for them to have adequate signage; they are already permitted signage along the West Ridge Road, or north, elevation. The applicant is requesting two additional signs: 1) an area variance for a proposed second (east side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted; and 2) an area variance for a proposed third (west side) building-mounted sign, with a sign area of 61.8 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted.

WHEREAS, the applicant indicated that it is important that people be able to find the building in a hurry and under stressful conditions if they are driving up West Ridge Road; they want them to be able to identify clearly where this building is. During the discussion and testimony that was provided, the applicant indicated that if they needed to give up a sign, they would be willing to consider relinquishing the east side elevation request, which is item "A" under the agenda on the agenda tonight. Further, the applicant indicated that the need for the west side – or in this particular case, would be the second sign – is to give motorists an opportunity to see it. The only way to access this particular site is if you were eastbound on Route 104, you would have to enter just west of the facility, so in this particular case, they are permitted one pylon sign out by the road (which they have), one building elevation sign on the north side (which they are permitted), and it would give us one additional sign on the west side of the structure so that oncoming traffic could clearly see where the building was. This is a new business to the area and they have had some experience with other communities that they are located in and they recognize the need for clear and fast identification. Also, during the findings of fact it was noted that this is a divided highway and that traffic again could only enter from an eastbound direction and the sign that was requested on the east side would actually face a residential neighborhood.

WHEREAS, having just summarized the findings of fact of the application and recognizing that there are many other businesses along West Ridge corridor that do not have sign identity on more than one side of the building, not many if any, emergency-type care facilities like this particular one are along the corridor, but it would be prudent to have significant signage on the structure.

Having just summarized the findings of fact, I am going to move to approve the application for item "B," which is on the west side of the building and deny item "A," which is on the east side.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Item "B" Approved
Item "A" Denied

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- 7. Applicant:** Ramay Central LLC, D&D Partners Rochester LLC & Ramay West/Greece
- Location:** 2590, 2600 & 2648 West Ridge Road
- Mon. Co. Tax No.:** 074.14-1-23, 074.14-1-24.1 & 074.14-1-26
- Zoning District:** BR (Restricted Business)
- Request:**
- a) An area variance for a permitted second freestanding sign for a business center, with a sign area of 115.5 sq. ft., instead of the 80 sq. ft. maximum permitted. Sec. 211-52 B (1)(d), Table VI
 - b) An area variance for a third freestanding sign to have a sign area of 97.5 sq. ft., instead of the two freestanding signs of 80.0 sq. ft. permitted for a business center which has frontage on more than one New York State or Monroe County highway, has more than 300 ft. of frontage on each said highway and has direct vehicular access to each said highway. Sec. 211-52 (B) (1)(a)[3], Sec. 211-52 B (d), Table VI

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals(the "Board of Zoning Appeals") relative to the property at 2590, 2600 & 2648 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested

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agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.

7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

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Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Ramay Central LLC, D&D Partners Rochester LLC & Ramay West/Greece LLC, 2590, 2600 & 2648 West Ridge Road, Mr. Ralph DeStephano appeared before the Board this evening requesting an area variance for a permitted second freestanding sign for a business center, with a sign area of 115.5 sq. ft., instead of the 80 sq. ft. maximum permitted; and an area variance for a third freestanding sign to have a sign area of 97.5 sq. ft., instead of the two freestanding signs of 80.0 sq. ft. permitted for a business center which has frontage on more than one New York State or Monroe County highway, has more than 300 ft. of frontage on each said highway, and has direct vehicular access to each said highway.

WHEREAS, the applicant testified that this is a business center and it has been in the area for a long time with a new Walgreens going up at the corner. The first sign on this is a Blockbuster sign, which is remaining as is. The second sign that they are looking for is a business center sign that is going to have the Buckman's Plaza and Walgreens names on there and then the third freestanding sign is a directory style that is going to be replacing the old directory-style sign that was there. A directory-style sign is needed for this business center as there are a number of businesses on the rear side of the building that need some kind of notification to customers of where they are located. These signs will be backlit or internally lit with no flood-type lights shining on them. None of the signs will have reader board or flashing messages on them, and the applicant has also agreed to relinquish all past freestanding signage variances granted except for any setback approvals that were previously granted.

THEREFORE, I move to approve the application as submitted.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved

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APPROVAL OF MINUTES

APPROVAL OF BOARD OF ZONING APPEALS MEETING MINUTES

Motion by Mr. Murphy, seconded by Ms. Christodaro, to approve the minutes of the February 2, 2010, Board of Zoning Appeals meeting:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

**Motion Carried
February 2, 2010,
Minutes Approved**

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ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Mar 16 10.doc